3: Read E-5 (1935-1939)1960
FR5 Ngoni FR5

584 a strenuous resistance, during which one of them earned the name which stuck to her ever afterwards of 'the biting spider'. Considerations in choosing a mate, both for youths
581 and girls, were not only influenced by the Ngoni desire, especially strong among the senior people, for linking Ngoni clans and families together by marriage. The high proportion of young people, boys especially, who had been to school and were Christian, weighed the scales in favour of an educated Christian wife or husband. As always, however, the factor of personal liking was very strong. Attraction first, and then liking based on further acquaintance, was held as most important by the youths and girls themselves. It was partly the question of the transfer of cattle to seal the mar-
[583] riage contract which inclined the young men to listen to the advice of their elders, for they were dependent on them, at least in the first instance, for providing the cattle.

836 The other direction in which social control operated in relations between the sexes was in the forms of courtship
584 tolerated and permitted. In pre-European days, and for a long time after the missions came, the age of marriage was, as we have seen, postponed for many years after puberty. In those days there was a recognized and socially accepted pattern of sexual freedom before marriage, which we have already mentioned. A girl could indicate to a young man, who had recently joined a regiment, and had shown in various ways that he was attracted by her, that she was willing to take him as a lover. Often this relationship led eventually to marriage between the two, but it was not always the case. These two slept together from time to time in the dormitory, practising limited intercourse. The fear of being deflowered and still more of being pregnant before marriage acted as a
● [848] very strong deterrent to the girls not to let the young man, in the Ngoni phrase, 'harm her in any way'. If this occurred the girls knew they would have no pre-marriage rite and no full public wedding ceremony, and this would bring shame not only on them but on their father's family and house.

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
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Village The Native Courts deal to a great extent with matrimonial matters, and are responsible for issuing marriage certificates. The Administration is concerned to see that marriage stability is maintained, that women are not denied justice in marriage disputes, and that adultery and prostitution do not flourish. The missions are interested in the maintenance of monogamy and the development of Christian marriage.

An unmarried individual is under the tutelage of the person who rears him. It is true that sometimes people say that children are responsible for their own actions before the court, and that truant schoolboys can be made to pay their fines themselves, but in practice it would be a harsh parent who denied help to his son in such a predicament. He has a legal right to refuse to accept responsibility for his child's actions, and public opinion would support a parent who washed his hands of a recalcitrant son who had given much trouble to his father for many years. A parent should however be very patient with his children, hoping that in the end after he has borne with their escapades they will become mature and wise. Where the child is in charge of another relative, such as a parent's sibling or a grandparent, the same attitude of adult towards child is expected. Some children live peaceably with their parents, and accept their direction in important affairs, while others move off of their own accord to more congenial kinsfolk or to earn their livelihood as best they can as juvenile labourers on the tobacco farms.

In relation to marriage this variable pattern of dependence and independence shows itself characteristically. Girls are on the whole more dependent on their parents than boys, yet some girls become economically independent and seek their own husbands a few years after puberty, while some men in their late twenties ask their parents to find wives for them. Between these two extremes the majority of the young population seek their own sexual partners but turn to their parents for assistance in arranging the marriage.

An unmarried girl depends on her kinsfolk for shelter and food, and it is they who take action on her behalf to protect her interests and to defend their own rights in her. If she is seduced and becomes pregnant her kinswomen find out from her the name of her lover. It is said that a girl will sometimes suggest the name of a lad whom she dislikes rather than reveal her true lover. Other people say that a girl will indicate the name of the man she wants to marry, whether or not he is the genitor of her child, in the hope that he will then marry her to avoid trouble. The girl's father, if he is available, takes the matter to court if he cannot get satisfaction from the alleged genitor, and it is to the father that the lover pays a beast[1] if he is found guilty. The child belongs to the girl's kin. The girl's parents may try to persuade the lover to marry their daughter if they think he will make her a good husband, but if he does not find favour in their eyes they remain hostile to him. We shall see later

[1] Called *cidumu*.

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
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848 684 that if the lover is thought to be very desirable as a husband, the girl and her parents will begin to act as though she had in fact been married by him. Few cases of seduction come before the courts, perhaps because of the fact that it is only pre-marital pregnancy that can lead to action in the court and not merely pre-marital copulation. If the lover agrees to marry the girl it is in the interests of her kin to let him do so, rather than take the matter to court when they may be awarded more damages but where also their daughter will appear as a foolish and indiscreet person. It is said that some girls hand on to their parents some of the presents they receive from their lovers, and that therefore the parents take no action against the lovers, but I have no information as to the extent of this practice.

The kin of a woman have therefore an interest in her sexual activities before she is married, and to a lesser extent a man's relatives have a similar interest. The main concern of a man, however, is that he shall not get himself into such serious trouble that he has to find the money for damages in the court and that he will not be forced to marry an unsuitable girl whom he has impregnated.

2. The marriages of children

581 At marriage itself a person's relatives may act on his or her behalf in choosing a spouse, and the factors that influence their choice are different from those which operate when people choose their own spouses. A man's relatives stress that the wife-to-be must be hardworking, polite to her superiors and not given to promiscuity. The fact that a girl begins to sleep with her lover may influence her lover's parents against her for they argue that if she sleeps so easily with their son she will soon tire of him and run off after someone else. They pay more attention to the character of her parents and siblings and look to see what sort of wives her sisters have made. Similarly the parents of the girl may look critically at the young man and they too argue that as he has already begun to sleep with their daughter he will soon begin running after other women and leave his wife 'alone in her hut'. If a relative of the girl has already married a relative of the man and that marriage has not been a success, their kinsfolk may try to prevent a second marriage.

Case history 4

Absolom, who works in South Africa, wrote to his brother saying he wanted to marry Mary. The brother, who was married to Mary's sister, approached Mary's father who said that he could not agree. Mary's father later said that he opposed the marriage as Absolom's brother had infected his wife with syphilis and he did not want another of his daughters to marry into that family.

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584 If a man is away working he may write home and ask his father or some other relative to find a wife for him. A marriage arranged in this way does not necessarily find favour with the man when he finds out who his bride is to be, but a number of soldiers successfully

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
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Where a woman has already troubled her relatives by her adultery, they may try to avoid further expense by refusing the legalization payment offered for her.

Case history 7

Rachel had had two husbands and had been divorced from them both. She had also lived with a White for some years. In 1946 she began to live with Esau, who already had three wives. In 1948 Esau approached an important man in Rachel's village and asked him to act as intermediary as he wished to offer the legalization payment to Rachel's brother. This man refused to do so, and in the end Esau approached his brother-in-law himself. The brother-in-law said that he had known his sister Rachel a long time and she was just a prostitute. He would not take the money for her. Esau said he would speak to his wife and ask her to change her character. Eventually the brother-in-law agreed to accept the thirty shillings offered.

Although the kinsfolk of the man or woman can exercise social pressure to prevent a marriage it is difficult for them to force a girl to marry against her will, and impossible in the case of a man. We have noted that in the old days, according to informants, people married whom they were told and did not refuse. Even if this was ever true, it is true no longer. A man can move off to the towns in the face of pressure and a woman can always run away to other relatives if her parents are insistent on an unwanted marriage. The Administration does not allow girls to be married against their will, but I do not know of any recent instance in which it has intervened on this issue. A girl's relatives can show their anger by abusing her and by scaring off her own preferred mate, but they cannot detain her against her will and they cannot force her to go through the ceremonies of marriage. They cannot appeal to the court to punish the girl for disobedience.

In some instances pressure is put on a man by a woman's kin to force him into marrying her. If a woman bears a pre-marital child, and it is known that the genitor is an important man or chief, her kinsfolk begin to adopt towards the genitor's family the patterns of respect and avoidance which would be appropriate if he were their affine. This procedure may be adopted although it is plain to people in general that the genitor has no intention of marrying the woman. If it is unsuccessful in forcing the hand of the genitor, the formal attitudes of the woman's kinsfolk come to be generally ridiculed and they abandon the pretence.

So far we have considered only the attitude of kinsfolk towards a proposed marriage and the legalization payment associated with it. The factors influencing the acceptance or refusal of bridewealth are different. Bridewealth, when offered, is not often refused. Table V shows that in our sample this happened in only one out of 360 marriages. We must remember that bridewealth is paid only in about four per cent of all marriages, and that a man is usually on good terms with his affines and has lived in peace for many years with his wife before he offers it. A youngish man may seek the

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
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583 approval of his father before he offers, and as in the case of Amos and Eve (p. 28), the father may sometimes disapprove. If the man is from another part of the territory or from abroad the parents of
583 the woman, even if they accept the legalization payment, may be
603 reluctant to allow their grandchildren to go a long way away from them to live among their son-in-law's kin. This consideration applies
593 particularly to strangers in the township who marry Ngoni women. When they leave their jobs or retire they try to take their wives and children with them. They may be frustrated in the removal of their children by the woman's parents, who refuse the bridewealth. The courts support the claims of Ngoni grandparents for the retention of their grandchildren under these conditions and a returning Yao or Cipeta man may be forced to travel without his children and sometimes without his wife. I have recorded elsewhere[3] an incident in which a Yao man who had been married to an Ngoni woman for twenty-one years was divorced by her and his offer of bridewealth refused by her parents. The police who check the movements of women and children by bus and lorry away from Fort Jameson are in touch with the Native Courts and may be on the look out if it seems likely that a man from a strange tribe will attempt to smuggle his wife and children away from their Ngoni kin.

581 Thus we see that the kinsfolk are directly concerned with marriage. When the children are still toddlers, they are paired off in fun by their
[858] adult relatives as they sit playing. For a week or month or even longer a woman will laughingly call her neighbour *child's parent-in-law* because their children have been nominated *husband* and *wife* in this way. As a child grows older, so the interest of its relatives in its marriage become clearer. Before marriage the relatives of a
684 girl hold rights in her that are violated if she is seduced and bears
• 848 a child. It is to them that the girl's lover pays the beast of seduction to recompense them for the wrong he has done by impregnating the girl, but he does not gain custody of the child. On the other hand,
836 no one brings a case against a man merely because he sleeps with an unmarried girl. It is only when she becomes pregnant that an action can be laid against him. A man caught *in flagrante delicto* by one of the unmarried girl's kin can expect abuse and possibly blows but unless he is provocative he need not fear action in the courts. The hostility directed towards him seems to be due in part to his having behaved so indiscreetly as to be caught and having forced the girl's kin to take cognizance of what was happening.

At marriage the woman's kin grant rights in her sexual activities
581 to her husband. These rights are unambiguously transferred by the
583 legalization payment, and the woman's kin are therefore in a position to delay or facilitate the tranfser of these rights by their attitude towards the payment. There is no corresponding right in an unmarried man held by his kin, and at marriage there is no corres-

[3] Barnes, op. cit. p. 238

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
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turn to a younger brother for help in arranging a marriage, but although it is said that a man cannot marry the widow of a younger brother, this is sometimes done. The position of children born in a union of this kind is anomalous and there is likely to be dissension in the family if the elder brother has no children by his own wives.

10. Rights in wives and children

The new-born child sleeps in its mother's hut, is in danger from its father's adultery, and is held by its parents at their ritual resumption of sexual intercourse. It is carried to the garden on its mother's back and at mealtimes sucks porridge from her finger. Perhaps its father may play a little with it, but this is not very likely. After weaning, which takes place about the age of two, it may be sent to a grandparent or some other relative, or may perhaps remain in the parental hut for a few more years. But already it has been handled and probably suckled by many women, has learnt to play with the other young children in the village, and has gone off with them into the bush or to the stream. It has learnt also the correct kinship terms for most people in the village and has seen its village teams dance against those of other villages. It has gone visiting in other villages with its parents and has begun to explore its web of kinship, of which it is the centre.

The growing child therefore does not see its parents as sharply distinguished from all other adults in the vicinity, but merely as the two people to whom its ties are closest and on whom it is most dependent. If a child whose parents are dead or are living in Southern Rhodesia is brought up by a relative, it may not learn their names until it is adult, if then. Parents are important to their children only when they live near them or with them. It is when children grow up in the village of their parents that they rely on them for school fees, clothes and medicines. Later a boy may ask his father for financial help or may use him as a banker, handing over his wages to him.

This is true not only of a man's own children of whom he is both genitor and pater, but also of his wife's adulterine and pre-marital children, if he chooses to accept them into his household. It is clear that if a man has paid bridewealth, he has custody of all the children borne by his wife, in adultery as well as in wedlock. If he has not paid bridewealth, then adulterine children like legitimate children belong in theory to his wife's relatives. In practice a man can either accept or spurn them. If he has been away a long time and returns to find his wife with illegitimate children, he may decide to accept the children as his own. They then take his descent name and not that of their genitor. The biological parentage of such children is not mentioned openly, but is remembered in malicious gossip.

Case history 11

Laban went away to work in Southern Rhodesia. His wife Sara went

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to a farm to work and while there had a child by a man working on the farm. When Laban returned from Southern Rhodesia people said to him, 'You have a bad wife, she has borne a child by a man while you have been away.' Laban said 'It does not matter, I love my wife and I will look after the child.'

The rights of children born in adultery to inherit their pater's property on his death are never certain. If there is enmity between them and the true sons of their pater, they may be denied any assistance from the estate of the dead man.

593 583 A man acquires rights *in genetricem* in his wife,[35] that is, rights in her as a mother, by the payment of bridewealth. We have seen that bridewealth is not often paid and that the rights exercised by a man over his children by virtue of this payment are ill defined.[36] Ngoni argue that in theory when a woman marries, the marriage payments should be paid to her mother's brother and not to her father if he has not paid bridewealth for her mother. Rights in a woman *in genetricem* are held to include the right to the marriage payments of the woman's daughters. In practice this aspect of rights *in genetricem* is as ill defined as rights to determine where children shall live. If a girl is living in the same village as her father or even her mother's husband, the fact that he may not have paid bridewealth is overlooked when the time comes for the girl to marry. Her suitor does not inquire into the affairs of her relatives before he marries her and indeed if her parents are divorced or dead he may never know their names. He respects his affines and does not probe into their secrets. He offers the legalization payment to whosoever appears to be responsible for his bride, her father or her mother's husband or her mother's brother or some other relative, depending on how and where she is living. At the level of the next generation, if a man treats his wife well her relatives will not want to make trouble in the marriage by insisting on their theoretical rights when his daughters get married. If the man is prudent he gives them some of the money and they are content. On the other hand, if there is a quarrel between affines and the case is taken to court, it may be possible to establish rights *in genetricem*. The court holds that to take the legalization payment of a daughter is to exercise rights *in genetricem* in her mother. The following case concerns a man who exercised rights *in genetricem* that he did not possess.[36a]

Here the award of £3 damages against Nebo is due partly to his having initiated the action for divorce without any substantial complaint against his wife, and partly because he had taken the legalization payment which should have gone to her relatives.

Cases like this are not common, and the interest of the court is more often focussed on the legalization payment than on bridewealth. The legalization payment is becoming the more important payment

[35] See below, p. 113.
[36] See above, p. 35. and Table V.
[36a] See p. 97.

4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
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developed as the men's. It is to be expected, therefore, that there would be greater Cewa and Nsenga influence in those affairs controlled by women than in political and military matters, which were organized by men. This is borne out by linguistic evidence, for while many of the words, but not all, pertaining to affairs of state are of Ngoni origin, the words now used in the seclusion of girls are drawn from Cewa and Nsenga.

We find therefore that it is the bearing of children before marriage and to a lesser extent pre-marital impregnation which are disapproved of rather than pre-marital copulation. The real contrast in attitude is between pre-marital copulation and adultery. We have seen that in the old days adulterers were killed by order of the chief. The punishment of adultery was a process involving headmen, lieutenants and other important men. The abhorrence of adultery remains despite its great frequency and the prohibition on killing adulterers. An adulterer is a thief, stealing the rights of another man and endangering his marriage. Even when the wife of a labour migrant bears a child and it is in danger of *mdulo* until it can be 'taken up' (p. 87) she cannot openly call in a man with whom to perform this rite. She must either get a man to come in secret or obtain expensive medicines which remove the danger. In like manner, if her husband is impotent, there must be no public recognition of any extra-marital intercourse, for impotence is shameful and not to be admitted and cannot justify the intervention of another man. It is thought regrettable that a woman should grow old without bearing daughters to help her pound maize and sons to clothe her in her old age. Yet when medicines have been of no avail and her husband calls in a seed-raiser he must come in secret and later be rewarded covertly. Similarly the sexual activities of children must be conducted discreetly. Here, however, a much more tolerant attitude is taken and there is not the same need for secrecy. There is no chaperoning of unmarried girls but only of married women whose husbands are away. There is no inspection of girls at marriage, and one informant said that if after puberty a girl has no lover with whom she can sleep, her grandmother will call in a young man to copulate with the girl in the grandmother's house to see if she is proficient, and that for this he would be rewarded by the grandmother. From one point of view we may say that there is pre-marital freedom, with discretion, and marital restriction of sexual activity. Pre-marital intercourse does, however, have a moral connotation, and it is held that the girl who sleeps too easily with all comers before marriage will continue thus after she is married. The need for discretion in premarital affairs is in some part due to the activities of the missions, working at the village level through deacons, elders and women helpers. Yet in general no action is taken by the local Christian group in the village unless the pre-marital sexual activities of its members are conducted in such a way that it is no longer possible to ignore them.

Sexual intercourse is the critical activity of marriage. Within

10: Barnes E-5 (1946-1949) 1959
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said to be due to their definite knowledge of common patrilineal descent rather than due to the common name. At the other extreme are names such as *tembo*, *lungu*, and *phili*, which are derived from the neighbouring tribes of the region and are very common and have no connotation of exogamy.

Prior to the arrival of the Ngoni descent-names were inherited in the matrilineal line by the Cewa, Nsenga, and other tribes of the Eastern Province. Under Ngoni influence, the rule was reversed and the great majority even of recently incorporated Ngoni now bear the same names as their fathers. Some people do take the descent-names of their mother, as, for example, a child born in adultery who is not accepted by its mother's husband, or one whose father dies young so that it is brought up by a relative of its mother. As with the Tonga of Mazabuka, some descent-names have locally alternative forms, and in one instance men and women take different names.[1]

Appeal is sometimes made for protection and help on the basis of a common descent-name, but this is not a very strong tie and is invoked only when no closer link can be found. The principal uses of descent-names are in polite forms of address and in connexion with beer-drinking.

Marriage Payments

The initiative in choosing a spouse usually lies with the man. A woman who takes too much initiative in this matter is regarded, usually correctly, as likely to be unfaithful. In the old days marriages were more frequently arranged by the parents of the couple concerned, but now this happens only when the man is away. Men who are on the farms or in the mines send money home to brothers or fathers with instructions to find them suitable wives, and to offer the money as the legalization payment. During the 1939–45 War this arrangement was continued by soldiers who were away.

The most important payment in connexion with marriage is that made by the bridegroom to the bride's father which I shall call the legalization payment.[2] This payment is the one that establishes unequivocally the right of the husband to damages should his wife commit adultery or be allowed by the court to divorce him. It must be observed, however, that damages may still be awarded to the husband under certain conditions where no legalization payment has

[1] The name *sulu* for a man becomes *woulu* for a woman in certain areas.

[2] *Cimalo*, no plural. Cf. Young, *Customs and Folk Lore*, p. 61.